

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM MARTINEZ,

Plaintiff,

v.

M. JIMENEZ, et al.,

Defendants.

No. 1:23-cv-00177-ADA-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THE ACTION WITH PREJUDICE

(ECF No. 11)

Plaintiff William Martinez is a state prisoner proceeding pro se and in forma pauperis in this action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 15, 2023, the assigned Magistrate Judge entered findings and recommendations, recommending that Plaintiff's case be dismissed with prejudice based on failure to state a claim. (ECF No. 11.) The findings and recommendations were served on Plaintiff and contained notice that any objections thereto must be filed within twenty-one days after service. (*Id.* at 11.) Plaintiff filed untimely objections dated September 21, 2023. (ECF No. 12.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of the case. Having carefully reviewed the entire file, including Plaintiff's objections, the Court concludes the findings and recommendations are supported by the record

and proper analysis.

Although Plaintiff's objections were filed untimely, the Court has nonetheless reviewed and considered those objections. Therein, instead of objecting to the Magistrate Judge's legal findings, Plaintiff states that he is a pro se litigant with limited knowledge of the law, legal research, reasoning, and writing and as such, the Court should grant him leeway on the procedural matters. (ECF No. 12 at 2.) Additionally, Plaintiff requests "an extension of time to file a 2nd ammended [sic] complaint up to 90 days to file and study at law Library." (*Id.* (errors in original).) Plaintiff's objections do not provide this Court any compelling basis sufficient to reject the well-reasoned Magistrate Judge's findings and recommendations. Thus, this Court adopts those findings and recommendations.

As to Plaintiff's request for an extension of time, the request is denied. The Court previously screened Plaintiff's initial complaint and provided analysis and the relevant legal standards for Plaintiff to cure the deficiencies in his initial complaint. (See ECF No. 6.) With the benefit of the screening order, Plaintiff filed his first amended complaint and still failed to state a cognizable claim. (See ECF No. 9.) Thus, leave to amend will be futile.

Accordingly,

1. The Court ADOPTS the findings and recommendations issued on August 15, 2023, (ECF No. 11), in FULL;
2. This action is DISMISSED, with prejudice, for failure to state a claim; and
3. The Clerk of Court is directed to close this action.

IT IS SO ORDERED.

Dated: November 2, 2023

UNITED STATES DISTRICT JUDGE
